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No. [illegible] 88

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1962.

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

v.

FRUIT & VEGETABLE PACKERS & WAREHOUSEMEN, LOCAL 760, and JOINT COUNCIL NO. 28 OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA.

RESPONSE TO PETITION FOR WRIT OF CERTIORARI.

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No. 921.

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RESPONSE TO PETITION FOR WRIT OF CERTIORARI.

Pursuant to the Court's request, Respondents submit the following statement in response to the Petition for Writ of Certiorari previously filed in this case.

QUESTION PRESENTED.

The question presented as stated in the Petition for Writ of Certiorari suggests that issue is one of statutory construction and nothing more. Respondents respectfully submit that there is in addition the following question presented:

Whether peaceful picketing at a retail store, urging customers of the store not to purchase products which the store has obtained from an employer with whom the Union has a primary dispute, is protected under the First Amendment to the Federal Constitution where, as here, the picketing is devoid of "signal" content.

STATEMENT.

The National Labor Relations Board has stated in two cases that it considers the decision below to be erroneous and accordingly, the Board has, in such cases, adhered to the view expressed by it in the present case. **Colony Liquor Distributors, Inc.**, 140 NLRB No. 105; **Typographical Union—(General Motors Corp.)**, 141 NLRB No. 108, Note 5. In view of the Board's stated intention to adhere in future, similar cases to its construction of the Act in the present case, Respondents do not oppose granting the Petition for Writ of Certiorari.

Respectfully submitted,

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Counsel for Respondents.